

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF
AMERICA,

No. 23-4650

Plaintiff-Appellee,

Dist. Ct. No. 21-cr-460
District of Maryland

v.

SAMUEL SULLIVAN, JR.,

Defendant-Appellant.

**MOTION TO TOLL APPELLANT'S REPLY DEADLINE
PENDING RESOLUTION OF MOTION TO WITHDRAW AND
APPOINTMENT OF SUCCESSOR COUNSEL**

Michael F. Smith, appointed CJA counsel for Appellant Samuel Sullivan, Jr., pursuant to Local Rule 31(c) files this motion requesting that the Court toll the time for Mr. Sullivan's reply pending its resolution of counsel's May 29, 2024 Motion to Withdraw Appearance and appointment of new counsel, and states:

1. Two weeks after the undersigned filed Mr. Sullivan's opening brief and appendix, Mr. Sullivan in May 2024 wrote a letter to the Court firing him. ECF 28. Counsel promptly moved to withdraw his appearance, ECF 30, which remains pending before this Court.

2. The Government obtained two extensions of its brief deadline and on July 24, 2024 filed its response brief and served it via ECF on the undersigned, who promptly mailed a copy to Mr. Sullivan at FCI Gilmer.

3. Per Local Rule 31(a) and this Court's most recent scheduling order, ECF 33, Mr. Sullivan's reply is due within 10 days of service of the Government's brief, but the undersigned is not authorized to prepare or file it. Accordingly, he asks the Court to enter an Order tolling Mr. Sullivan's reply deadline until the Court rules on the pending Motion to Withdraw and appoints new counsel for Mr. Sullivan.

4. Pursuant to Local Rule 27(a), the undersigned has informed counsel for the United States via email of the intended filing of this motion. The United States does not oppose the relief requested and does not intend to file a response in opposition.

5. Counsel will serve Mr. Sullivan a copy of this motion via first-class mail to FCI Gilmer.

WHEREFORE, Michael F. Smith respectfully requests that the Court grant this Motion and enter an Order tolling the deadline for Mr.

Sullivan's reply brief until the Court rules on counsel's pending Motion to Withdraw and appoints successor counsel.

Respectfully submitted,

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Dated: July 29, 2024